UTILITY PATENT APPLICATION TRANSMITTAL **(Larg Entity)** *(Only for new nonprovisional applications under 37 CFR 1.53(b))*	**Docket No.** **NIDN-73175 DIV**
	Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Process For Production Diphtheria Toxin

and invented by:

Henry R. Wolfe, et.al.

U.S. PTO
10/690855
22141
102203

If a CONTINUATION APPLICATION, *check appropriate box and supply the requisite information:*

☐ **Continuation** ☒ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: ___09/914,162___

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below

2. ☒ Specification having _____55_____ pages and including the following:

   a. ☒ Descriptive Title of the Invention

   b. ☒ Cross References to Related Applications *(if applicable)*

   c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*

   d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix

   e. ☒ Background of the Invention

   f. ☒ Brief Summary of the Invention

   g. ☒ Brief Description of the Drawings *(if filed)*

   h. ☒ Detailed Description

   i. ☒ Claim(s) as Classified Below

   j. ☒ Abstract of the Disclosure

P01ULRG/REV06

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*

    a. ☒ Formal   Number of Sheets   2

    b. ☐ Informal   Number of Sheets

4. ☒ Oath or Declaration

    a. ☐ Newly executed *(original or copy)*   ☐ Unexecuted

    b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*

    c. ☐ With Power of Attorney   ☐ Without Power of Attorney

    d. ☐ *DELETION OF INVENTOR(S)*
       Signed statement attached deleting inventor(s) named in the prior application,
       see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
    The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)

7. ☐ Application Data Sheet (See 37 CFR 1.76)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*

    a. ☐ Computer Readable Form (CRF)

    b. ☐ Specification Sequence Listing on:

        i. ☐ CD-ROM or CD-R (2 copies); or

        ii. ☐ Paper

    c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers *(cover sheet & document(s))*

10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*

11. ☐ English Translation Document *(if applicable)*

12. ☒ Information Disclosure Statement/PTO-1449   ☐ Copies of IDS Citations

13. ☒ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☒ Certificate of Mailing

    ☐ First Class   ☒ Express Mail *(Specify Label No.):* **EV344295298US**

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UTILITY PATENT APPLICATION TRANSMITTAL	Docket No.
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Accompanying Application Parts (Continued)

17. ☐ Additional Enclosures *(please identify below)*:

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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(Large Entity)					
(Only for new nonprovisional applications under 37 CFR 1.53(b))				**Total Pages in this Submission**	

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	17	- 20 =	0	x $18.00	$0.00
Indep. Claims	2	- 3 =	0	x $86.00	$0.00
Multiple Dependent Claims (check if applicable) ☐					$0.00
				BASIC FEE	$770.00
OTHER FEE *(specify purpose)*					$0.00
				TOTAL FILING FEE	$770.00

☐ A check in the amount of   to cover the filing fee is enclosed.

☒ The Director is hereby authorized to charge and credit Deposit Account No.   **502-665**
    as described below.

    ☒ Charge the amount of   **$770.00**   as filing fee.

    ☒ Credit any overpayment.

    ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

    ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance,
       pursuant to 37 C.F.R. 1.311(b).

_____
Signature

Dated: *Oct. 22, 2003*

Li Cai, Reg. No. 45,629
Amerhsam Health, Inc.
101 Carnegie Center
Princeton, NJ 08540
Ph ne: (609) 514-6418

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)	Docket No.
Applicant(s): Henry R. Wolfe, et.al.	NIDN-73175 DIV

Serial No.	Filing Date	Examiner	Group Art Unit
To Be Assigned	Herewith	To Be Assigned	To Be Assigned

Invention: **Process For Production Diphtheria Toxin**

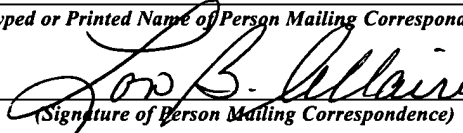I hereby certify that the following correspondence:

Request for filing divisional of prior application serial no. 09/914,162, which is a 371 of WO 00/50449. A copy of WO 00/50449 is enclosed along with a copy of the declaration, preliminary amendment and form 1449.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37

CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Oct. 22, 2003

(Date)

Lori B. Allaire

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV344295298US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

P06A/REV02